

REMARKS/ARGUMENTS

The present amendment is submitted in response to the Office Action received from the United States Patent Office dated December 11, 2008. The Patent Office rejected Claims 1-11 under 35 U.S.C. §102(e) as being anticipated by *Hovell et al.* (U.S. Patent Number 7,116,681).

In response to the Office Action, Applicant has amended claims 1 and 7. Applicant respectfully submits that the amendments to the claims and the explanations below overcome the rejections to the claims. Applicant submits that all of the claims are now in condition for allowance. Notice to that effect is requested.

The Patent Office rejected Claims 1-11 under 35 U.S.C. §102(e) as being anticipated by *Hovell et al.* (U.S. Patent Number 7,116,681). The Patent Office states that Claim 1, *Hovell et al.* discloses a communication protocol converter comprising: (a) a first modular communication jack having: i) a housing defining an open cavity and a segregated interior chamber; ii) a connector port having a plurality of electrical contacts positioned within said open cavity; iii) at least one circuit board incorporating Ethernet to raw data conversion circuitry components for a first communication protocol disposed within said interior chamber in electrical communication with the electrical contacts of said connector port; and iv) a memory positioned on said circuit board in electrical communication with said conversion circuitry for a first communication protocol for receiving converted data (using network controller to process data conversion, see figs.1, 2, col.6 line 13 to col.7 line 50); (b) a second modular communication jack having: i) a housing defining an open cavity and a segregated interior chamber; ii) a connector port having a plurality of electrical contacts positioned within said open cavity; iii) at least one circuit board incorporating Ethernet to raw data conversion circuitry components for a second communication protocol disposed within said interior chamber in electrical communication with the electrical contacts of said connector port; iv) a memory positioned on said circuit board in electrical communication with said conversion circuitry for said second communication protocol for receiving converted data (see fig.2, col.7 line 17 to col.8 line 58); and (c) a bidirectional data interface electrically interconnecting said memory of said first communication jack with said memory of said second communication jack (see col.8 lines 10-58).

The Patent Office states as to Claim 7, *Hovell et al.* discloses a communication protocol converter comprising: a housing defining first and second open cavities and a segregated interior chamber; each of said open cavities incorporating a plurality of electrical contacts positioned within said open cavities to form first and second connector ports wherein said first connector port is adapted to interface with a first communication protocol and said second connector port is adapted to interface with a second communication protocol (using network controller to process data conversion, see figs. 1, 2, col.6 line 13 to col.7 line 50); and at least one circuit board incorporating communication protocol conversion circuitry components disposed within said interior chamber in electrical communication with the electrical contacts of said first and second connector ports wherein said conversion circuitry bidirectionally translates communication protocols (network protocol translation, see fig.2, col.7 line 17 to col.8 line 58).

Hovell et al. discloses a tunnel is established across an IPv4 domain for the transport of packets from a source host on one IPv6 domain to a destination host on another IPv6 domain, there being respective interfaces between the IPv4 domain and the IPv6 domains.

Amended Claim 1 requires a communication protocol converter having a first modular communication jack with: i) a housing defining an open cavity and a segregated interior chamber; ii) a connector port having a plurality of electrical contacts positioned within said open cavity; iii) at least one circuit board incorporating Ethernet to raw data conversion circuitry components for a first communication protocol disposed within said interior chamber in electrical communication with the electrical contacts of said connector port wherein the circuitry components are positioned on both sides of the at least one circuit board; and iv) a memory positioned on said circuit board in electrical communication with said conversion circuitry for a first communication protocol for receiving converted data whereby the memory is interconnected to a bi-directional data line that allows the input and output of raw data. The converter also includes a second modular communication jack having: i) a housing defining an open cavity and a segregated interior chamber; ii) a connector port having a plurality of electrical contacts positioned within said open cavity; iii) at least one circuit board incorporating Ethernet to raw data conversion circuitry components for a second communication protocol disposed within said interior chamber in electrical communication with the electrical contacts of said connector port; iv) a memory positioned on said circuit board in electrical communication with said conversion circuitry for said second communication protocol for receiving converted data wherein the

memory is interconnected with the bi-directional line to receive input of raw data from the first modular communication jack. Finally, the converter further has a bidirectional data interface electrically interconnecting said memory of said first communication jack with said memory of said second communication jack.

Amended Claim 7 requires a communication protocol converter having a housing defining first and second open cavities and a segregated interior chamber; each of said open cavities incorporating a plurality of electrical contacts positioned within said open cavities to form first and second connector ports wherein said first connector port is adapted to interface with a first communication protocol and said second connector port is adapted to interface with a second communication protocol. The converter further has at least one circuit board incorporating communication protocol conversion circuitry components disposed within said interior chamber in electrical communication with the electrical contacts of said first and second connector ports wherein said conversion circuitry bidirectionally translates communication protocols wherein the housing allows for the at least one circuit board to electronically communicate with both the first connector port and the second connector port. The converter has a microprocessor employing embedded software that converts Ethernet data from internet protocol version 4 to internet protocol version 6.

Hovell et al. does not teach or suggest a first communication protocol disposed within said interior chamber in electrical communication with the electrical contacts of said connector port wherein the circuitry components are positioned on both sides of the at least one circuit board as required by Claim 1. Further, *Hovell et al.* does not teach or suggest the memory is interconnected to a bi-directional data line that allows the input and output of raw data or wherein the memory is interconnected with the bi-directional line to receive input of raw data from the first modular communication jack as required by Claim 1.

Further *Hovell et al.* does not teach or suggest the housing allowing for the at least one circuit board to electronically communicate with both the first connector port and the second connector port as required by Claim 7 or the converter having a microprocessor employing embedded software that converts Ethernet data from internet protocol version 4 to internet protocol version 6 as required by Claim 7.

Under 35 U.S.C. §102(e), anticipation requires that a single reference disclose each and every element of Applicant's claimed invention. *Akzo N.V. v. U.S. International Trade Commission*, 808 F.2d 1471, 1479, 1 USPQ 2d 1241, 1245 (Fed. Cir. 1986).

Moreover, anticipation is not shown even if the differences between the claims and the reference are "insubstantial" and one skilled in the art could supply the missing elements. *Structure Rubber Products Co. v. Park Rubber Co.*, 749 F.2d. 707, 716, 223 USPQ 1264, 1270 (Fed. Cir. 1984).

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (MPEP § 2131).

Applicant respectfully submits that this rejection overcomes based on the amendments to the independent claim for which this claim is based.

Claim 2-6 depend from Claim 1; Claims 8-11 depend from Claim 7. These claims are further believed allowable for the same reasons set forth with respect to independent Claims 1 and 7 since each sets forth additional novel steps of Applicant's Communication Protocol Converter and Method of Protocol Conversion.

In view of the foregoing remarks, Applicant respectfully submits that all of the claims in the application are in allowable form and that the application is now in condition for allowance. Any outstanding issues remain, Applicant urges the Patent Office to telephone Applicant's attorney so that the same may be resolved and the application expedited to issue. Applicant requests the Patent Office to indicate all claims as allowable and to pass the application to issue.

Respectfully submitted,
RUTAN & TUCKER

By _____


Hani Z. Sayed
Registration No. 52,544

Dated: March 11, 2009

Rutan & Tucker, LLP
611 Anton Blvd., Suite 1400
Costa Mesa, CA 92626
Telephone (714) 641-5100; Facsimile (714) 546-9035